

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

ROBERT ROSS,

Plaintiff,

v.

AT&T MOBILITY, LLC,

Defendant.

CASE NO. 4:19-CV-06669 (JST)

**JOINT CASE MANAGEMENT
STATEMENT & [PROPOSED] ORDER**

Hearing:

Date: October 27, 2020

Time: 2:00 PM

Place: 1301 Clay Street, 2nd Floor

Courtroom 6

Oakland, CA 94612

Judge: Judge Jon S. Tigar

Pursuant to Civil Local Rule 16-10 and this Court's September 8, 2020 Order, Plaintiff Robert Ross ("Mr. Ross") and Defendant AT&T Mobility LLC ("AT&T") hereby submit this Joint Case Management Statement and Proposed Order. This Joint Case Management Statement identifies subjects covered by the initial Joint Case Management Statement and Order as to which there are updates or changes since the initial Joint Case Management Statement and Order. Where the parties have disagreements in their respective submissions below, the fact that any assertion in either submission is not addressed or refuted by the opposing party does not reflect that party's agreement to the assertion at issue.

I. PROGRESS AND CHANGES SINCE LAST STATEMENT WAS FILED

A. MOTIONS

1. Pending Motions

Mr. Ross moved to amend the Complaint on August 25, 2020 seeking to add One Touch Direct, LLC and One Touch Direct – San Antonio, LLC as Defendants, as well as an additional claim for fraudulent concealment and additional grounds for punitive damages. Dkt. 58, 60-3. AT&T did not oppose the addition of One Touch Direct, LLC and One Touch Direct – San Antonio, but did oppose the new claim and new bases for punitive damages. This motion is fully briefed and pending before the Court.

2. Changes Since Last Statement Was Filed With Respect To Potential Future Motions

AT&T anticipates that, if Mr. Ross is permitted to amend his Complaint, AT&T might be required to file an additional motion to dismiss. AT&T also anticipates filing a motion for summary judgment at an appropriate time.

B. AMENDMENT OF PLEADINGS

The Court's scheduling order set June 4, 2020 as the deadline to add parties or amend the pleadings. Dkt. 42 As set forth above, Plaintiff has moved to amend the Complaint. This motion is currently pending before the Court.

C. DISCOVERY AND DISCLOSURES

The parties have entered into a stipulated e-discovery order, Dkt. 50, and the Court has entered a protective order, Dkt. 57. Each party has served its initial disclosures pursuant to Fed. R. Civ. P. 26(a). Each party has also served a first set of requests for production and interrogatories. Neither party has yet served responses or objections to these discovery requests.

D. SETTLEMENT AND ADR

The parties, along with One Touch Direct, LLC and One Touch Direct – San Antonio, participated in a mediation on September 29, 2020 with the Honorable Michael Latin. The parties believe a further mediation may be warranted in the future, but that more discovery is necessary to make such a mediation productive.

E. DISCLOSURE OF NON-PARTY INTERESTED ENTITIES OR PERSONS

In light of Plaintiff's motion to amend the complaint, One Touch Direct, LLC, and One Touch Direct – San Antonio have an interest in the outcome of this case.

1 Dated: October 16, 2020

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15 Dated: October 16, 2020

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FILER'S ATTESTATION

Pursuant to Civil Local Rule 5-1(i)(3), Marcellus A. McRae hereby attests that concurrence in the filing of this document has been obtained from all the signatories above.

Dated: October 16, 2020

/s/ Marcellus McRae

Marcellus McRae

[PROPOSED] CASE MANAGEMENT ORDER

The above JOINT CASE MANAGEMENT STATEMENT is approved as the Case Management Order for this case and all parties shall comply with its provisions.

IT IS SO ORDERED.

Dated: _____, 2020

HON. JON S. TIGAR
UNITED STATES DISTRICT JUDGE